

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6742
BILL NUMBER: SB 141

DATE PREPARED: Dec 12, 2000
BILL AMENDED:

SUBJECT: Liability at Extreme Sports Parks.

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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill defines "extreme sports park or recreation area". The bill provides that public and private owners and operators of extreme sports parks or recreation areas are immune from civil damages for injuries caused by extreme sports if :

- (1) the extreme sports park or recreation area is designed or maintained for the purpose of extreme sports use;
- (2) a set of rules governing the use of the facility is clearly posted at each entrance to the extreme sports park or recreation area; and
- (3) a warning concerning the hazards and dangers associated with the use of the facility is clearly posted at each entrance to the extreme sports park or recreation area.

The bill provides that public and private owners and operators of extreme sports parks or recreation areas are immune from civil damages for injuries if the extreme sports park or recreation area is closed and has a warning against entry posted at each entrance.

Effective Date: July 1, 2001.

Explanation of State Expenditures: This bill has the potential to decrease the number of lawsuits filed because it confers civil immunity to both public and private owners and operators of specified recreation areas, provided certain conditions are met.

The specific fiscal impact of this bill is indeterminable. Any cost savings would depend on the number of lawsuits that would have been filed against the state for civil damages for injuries caused from activities within an "extreme sports park or recreation area."

The Office of the Attorney General reports the amount of damages paid as a result of tort claims submitted

and tort claim lawsuits filed against the State and by plaintiffs in tort and civil rights litigation between CY 1995 and CY 1999 as follows:

<u>CY</u>	<u>Damages Paid</u>
1999	\$ 5,052,346
1998	\$ 2,935,075
1997	\$ 3,438,230
1996	\$ 5,742,977
1995	\$ 6,362,071

The amount paid includes tort claims paid at the time of claim submission, settlements upon the filing of lawsuits, and settlements paid as a result of a court order. It also includes cases in both federal and state court.

Explanation of State Revenues: If the proposal decreases the number of civil actions that would have occurred, the state would experience a decrease in revenue from filing fees that are deposited in the state General Fund.

Explanation of Local Expenditures: The fiscal impact is indeterminable. Any cost savings to local political units would depend on the number of lawsuits that would have been filed against a local unit for civil damages on injuries sustained within the recreation areas described in this bill.

Explanation of Local Revenues: If the proposal decreases the number of civil actions that would have occurred, counties and municipalities may experience a decrease in revenue from filing fees that are deposited in county general funds.

State Agencies Affected: Office of the Attorney General.

Local Agencies Affected: Counties; cities and towns; clerks.

Information Sources: Daniel Dovenbarger (232-6201), Office of the Attorney General.